

# Avaya Voice over Internet Protocol (VoIP) System Maintenance and Support

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
23 Christopher Way  
Eatontown, NJ 07724
2. Description of Action: This proposed action is for a brand name firm-fixed-price task order to be issued against the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC).
3. Description of the Supplies or Services: VA, Office of Information and Technology, Chief Business Office Purchased Care (CBOPC) at Health Administration Center requires continued maintenance and support for the Avaya hardware and software for the existing Avaya VoIP Communications Systems, and Applications, including Avaya One-X Agent, Avaya Elite Multichannel Application and Avaya Workforce Optimization Solution, including Avaya Contact Recorder. CBOPC uses the Avaya phone system to verify information on claims with Providers and Beneficiaries. CBOPC supports the following VA programs: The Civilian Health and Medical Program of the VA, Caregiver Support, The Children of Women Vietnam Veterans, Foreign Medical Program, Non-VA Care, Spina Bifida, State Home Program, and the Marine Corps Base Camp Lejeune. The period of performance for the hardware and software maintenance and support, including 24x7 and 8x5 response for hardware issues and new software releases respectively on each of the systems, shall be 12 months from the date of award.
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) 16.505(b)(2)(i)(B), entitled "Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized."
5. Rationale Supporting Use of Authority Cited Above: Based on market research, as described in section 8 of this justification, it was determined that limited competition is available among authorized Avaya resellers. CBOPC currently utilizes an Avaya VoIP Communications System, including hardware and software, in its facility. The VoIP system communicates through software that is based on Avaya proprietary source code. Due to the proprietary nature of source code, only Avaya or an authorized Avaya reseller could properly patch and maintain the currently fielded VoIP software and hardware. VA does not possess the proprietary technical data required to maintain and upgrade the Avaya VoIP system in use at the CBOPC. Failure to acquire the needed hardware and software maintenance and support, including 24x7 and 8x5 response for hardware issues and new software releases respectively on each of the systems, for the existing VoIP would leave CBOPC without the necessary updates, bug fixes, and

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certified technical support to ensure the system remains operational. If the VoIP system is rendered non-operational, the CBOPC would not be able to communicate with Veterans in order to verify information on claims with Providers and Beneficiaries. The Government contacted Avaya in October 2015 to ascertain if this proprietary source code is for sale and was advised that the code is not for sale.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. It was determined, however, that limited competition is anticipated among resellers for the required Avaya software and hardware maintenance and support on the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be made publicly available within 14 days of award on the Federal Business Opportunities Page. Additionally, in accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all NASA SEWP V GWAC holders.

7. Actions to Increase Competition: The Government will continually conduct market research by surveying the marketplace to determine if there is any other backup software and hardware maintenance and support that can meet VA's needs to allow for a future competitive procurement.

8. Market Research: The Government technical experts reviewed other hardware and software maintenance and support providers available on the NASA SEWP V GWAC in September 2015, including MYtel and Cisco. Although these sources may be able to provide general maintenance capabilities, none could provide the required maintenance to sustain the existing Avaya VoIP system without access to the Avaya proprietary source code. Based upon this market research, only Avaya brand hardware and software maintenance and support can meet all of CBOPC's needs. Additionally, in October 2015 the Contract Specialist conducted market research to ascertain the extent of limited competition among resellers. Through use of the Provider Look-up tool on the NASA SEWP V GWAC website, numerous resellers of Avaya products and support were identified that could possibly meet VA's needs. Therefore limited competition is anticipated.

9. Other Facts: None.